

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Marque Gardeley,

Case No. 2:22-cv-00223-APG-DJA

Petitioner,

ORDER

v.

State of Nevada, et al.,

Respondents.

On May 19, 2023, I appointed Ms. Jean Schwartzer to represent petitioner Marque Gardeley. ECF No. 28. On October 31, 2023, Gardeley filed a notice explaining that Ms. Schwartzer has not communicated with him at all since having been appointed. ECF No. 34. Based on the representations in Gardeley's notice, I instructed Ms. Schwartzer to contact Gardeley as soon as possible and inform the court about any issues with her ongoing representation of Gardeley. ECF No. 35. On November 29, 2023, Ms. Schwartzer filed a timely notice, explaining that (1) she has had difficulties communicating with Gardeley because the prison's hearing-impaired phone was broken, and (2) she had an in-person visit with Gardeley on December 5, 2023. ECF No. 38. Gardeley filed a response, explaining that he has "decided to move forward with [Ms. Schwartzer] as counsel." ECF No. 39. As such, Gardeley's motions for appointment of new counsel are denied as moot.

Ms. Schwartzer has also moved for an extension of time to file Gardeley's amended petition. ECF No. 40. This is Ms. Schwartzer's third request for an extension of this deadline. I find good cause exists to grant the motion.

1 I THEREFORE ORDER that the motions for counsel [ECF Nos. 36, 37, 39, 41] are
2 **denied** as moot. Ms. Schwartzer remains appointed as Gardeley's counsel in this matter.

3 I FURTHER ORDER that the motion for extension of time [ECF No. 40] is **granted**.
4 Gardeley's amended petition is due by February 13, 2024.

5 Dated: December 18, 2023.

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8 ANDREW P. GORDON
9 UNITED STATES DISTRICT JUDGE
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